

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JIMMY L. BANKS,

Plaintiff,

v.

COUNTRYWIDE HOME LOANS,
INC.,
et al.,

Defendants.

2:11-CV-00405-PMP-RJJ

ORDER

Before the Court for consideration is Defendants' Motion to Dismiss Plaintiff's First Amended Complaint (Doc. #51) filed December 27, 2011.

Plaintiff's Amended Complaint (Doc. #42) was filed August 23, 2011 following this Court's Order (Doc. #39) Dismissing Plaintiff's Original Complaint Without Prejudice. Defendants correctly contend, however, that Plaintiff's Amended Complaint alleges no new facts, but instead attempts to recast some of Plaintiff's original claims in a form which do not sufficiently allege a plausible entitlement to relief as required under *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) and *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009). The Court agrees.

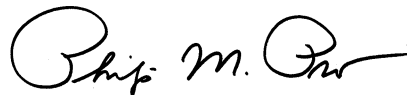
The Court further finds that to the extent Plaintiff's Amended Complaint is brought pursuant the Fair Housing Act ("FHA"), 42 U.S.C. § 3605, Plaintiff's Complaint lacks sufficient factual allegations to support such a claim and to the extent it could be

1 interpreted as doing so, the claim is barred by the applicable 2-year statute of limitations.
2 Similarly, the Court finds Plaintiff's Unfair Lending Practices claim under N.R.S. 598D.100
3 is barred by the applicable 2-year statute of limitations. Ultimately, and for the reasons set
4 forth in Defendants' Motion to Dismiss (Doc. #51) and Reply Memorandum (Doc. #57), the
5 Court finds that each of Plaintiff's Claims for Relief contained in the First Amended
6 Complaint fails as a matter of law to set forth claims upon which relief can be granted.

7 **IT IS THEREFORE ORDERED** that Defendants' Motion to Dismiss
8 Plaintiff's First Amended Complaint (Doc. #51) is **GRANTED** and that Plaintiff's First
9 Amended Complaint (Doc. #42) is hereby dismissed with prejudice.

10 **IT IS FURTHER ORDERED** that the Clerk of Court shall forthwith enter
11 judgment in favor of Defendants and against Plaintiff.

12 DATED: February 21, 2012.

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PHILIP M. PRO
16 United States District Judge
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